

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-512

October 3, 2001

PUBLIC UTILITIES COMMISSION
Repeal of Chapter 22, Retroactive
Telephone Inter-Company Settlements

ORDER REPEALING
RULE

WELCH, Chairman; DIAMOND and NUGENT, Commissioners

I. SUMMARY

In this Order we repeal Chapter 22 of the Commission's Rules (65-407 CMR 22), Retroactive Telephone Inter-Company Settlements.

II. BACKGROUND

The Commission adopted Chapter 22 on June 14, 1979, to provide accounting treatment for retroactive telephone company toll settlements. *See M.#199, Re: Retroactive Inter-company Settlements, Order, June 14, 1979.* Retroactive telephone company toll settlements were annual settlements between New England Telephone and Telegraph Company and independent telephone companies used to "true-up" estimates of monthly toll payments. These settlements generally resulted in substantial payments from New England Telephone to independent companies. The fact that these payments were received and accounted for after the close of the accounting period applicable to the time the service was rendered presented a significant ratemaking problem. The Commission addressed the problem by providing specific accounting treatment for these settlements in Chapter 22.

In 1997, when the current intrastate toll access rate system replaced the former intrastate toll settlement revenue system, retroactive telephone company toll settlements became obsolete. Because retroactive toll settlements are no longer in use, there is no need to provide accounting treatment for these settlements. Therefore, we proposed repealing Chapter 22 by Order Commencing Rulemaking issued on July 30, 2001.

We notified, and sought comments, from all local exchange carriers in Maine and others interested in rulemakings about our plans to repeal this rule. We received no comments by the comment deadline of September 7, 2001. Therefore we repeal Chapter 22 as there is no longer a need for a rule concerning accounting treatment for retroactive telephone company toll settlements.

Accordingly, we order

1. That the Administrative Director send copies of this Order to:

the Secretary of State for publication in accordance with 5 M.R.S.A.
§ 8053(5) and 8056(D);

the Executive Director of the Legislative Council, State House Station 115,
Augusta, Maine 04330 (20 copies).
2. That the Administrative Director send notice of this Order to:

all Local Exchange Carriers; and

all persons having filed with the Commission within the past year a written
request for Notice of Rulemaking.

Dated at Augusta, Maine, this 3rd day of October, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.